

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4100

IN THE MATTER OF:

Served May 14, 1993

Application of NIPPON TRAVEL, LTD.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-93-13

By application filed March 26, 1993, and amended March 30, 1993, Nippon Travel, Ltd. (Nippon or applicant), a District of Columbia corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on March 31, 1993, in Order No. 4077, and Nippon was directed to publish further notice in a newspaper and file an affidavit of publication. Nippon complied. The application is unopposed.

SUMMARY OF EVIDENCE

Nippon's application includes information regarding, among other things, its corporate status, equipment, facilities, safety fitness, proposed tariff, finances, and regulatory compliance record.

Nippon transported passengers for hire in the past under Certificate No. 77. Nippon allowed that certificate to lapse in 1986 by not filing an annual report for 1985.¹ Nippon had been conducting operations in a 21-passenger vehicle and a few limousines up until that time. Thereafter, it appears Nippon operated only limousines. In late 1992, with the publication of Order No. 4019,² it became clear that certain of Nippon's limousine operations were not exempt from certification under Commission Regulation No. 51-09 and Order No. 2559,³ as Nippon had previously believed, which prompted this application.

¹ In re Nippon Travel, Ltd., No. MP-86-11, Order No. 2904 (Sept. 8, 1986).

² In re Japan Travelers Serv., Inc. & Hideo Koga, No. MP-92-36, Order No. 4019 (Nov. 23, 1992).

³ In re Title II, Art. XII, §1(c) of the Compact, No. MP-83-01, Order No. 2559 (May 24, 1984).

Nippon proposes to commence operations with a 5-passenger limousine and a 6-passenger limousine. Applicant's proposed tariff contains hourly rates, plus airport transfer rates.

Nippon's president certifies on its behalf that applicant has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of December 31, 1992, showing current assets of \$68,285; net property and equipment of \$11,423; current liabilities of \$41,840; long-term liabilities of \$2,500; and equity of \$35,368. Applicant's statement of revenues, expenses and retained earnings for the twelve months ended December 31, 1992, shows sales of \$2,403,945; cost of sales of \$1,539,088; general expenses of \$841,826; other expenses and taxes of \$3,545; and net income of \$19,486. Applicant's projected operating statement for the twelve months ending December 31, 1993, shows sales of \$1,690,000; cost of sales of \$958,000; general expenses and taxes of \$719,665; and net income of \$12,335.

It is certified that neither Nippon nor any person controlling, controlled by, or under common control with Nippon has any control relationship with a carrier other than Nippon.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

- (i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
- (ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds Nippon to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That Nippon Travel, Ltd., 4435 Wisconsin Avenue, N.W., #207, Washington, DC 20016, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a

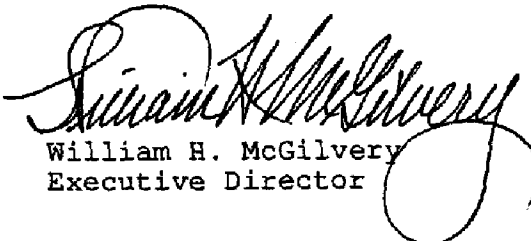
manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That Nippon Travel, Ltd., is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 77 is hereby reassigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 77 shall be reissued to Nippon Travel, Ltd.

4. That unless Nippon Travel, Ltd., complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

